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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,972	06/30/2003	Juhan Trinen	P23902	6955

7055 7590 07/22/2004

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EXAMINER


SHRIVER II, JAMES A

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/607,972	Applicant(s) TRINEN ET AL.	
	Examiner J. Allen Shriver	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/744,998.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/30/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/744,998, filed on March 23, 2001.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-2, 6-8, 10-12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gurley (US Patent 4,750,760).** Gurley discloses a hand grip (10) for an axially extending sports pole (11), said grip handle comprising a peripheral wall (12) adapted to surround an upper end portion of the sports pole; a support (16) extending from said peripheral wall, said support and said peripheral wall being positioned and shaped to enable said support to provide means for transmitting an axially directed force to the pole with a proximal phalanx of the thumb of a user (See Fig. 2); **[claim 2]** while allowing a mutual rotation of said peripheral wall between the hand of the user and said peripheral wall about an axis extending through said peripheral wall (as shown in Figure 2, the users hand would be allowed to rotate relative to the peripheral wall).

Regarding claims 6-7, Gurley discloses a sports pole (11) comprising an axially extending upper end portion; a grip handle ((10) at the upper end portion of the sports pole, said grip handle comprising a side wall (12) and a proximal phalanx thumb support (16) extending from said side wall, said grip handle and said support being positioned and shaped to enable said support to provide means for transmitting an axially directed force to the pole with a proximal phalanx of the thumb of the user; **[claim 8]** said side wall having an intermediate zone (See Figs. 2-6); said support for the thumb extending so as to project from said intermediate zone of said side wall of said grip handle; **[claim 10]** wherein said grip handle extends along a longitudinal axis, and said support for the thumb is inclined angularly and rearwardly with respect to the longitudinal axis of said grip handle during use of the sports pole (See Fig. 6); **[claim 11]** wherein said grip handle further comprises an opposite side wall, said opposite side wall being opposite to said side wall of said thumb support (See Fig. 4); said opposite side wall having a zone of convexity (17), said convexity of said zone of said opposite side wall having a shaped and dimensions to be housed ergonomically in a palm of the user's hand in a closed position of the hand of the user around the grip handle, while the thumb of the user is engaged with said thumb support (See Figs. 2 and 4); **[claim 12]** it would be inherent that the hand grips disclosed in Gurley would have specific right and left hand configurations; **[claim 15]** wherein said sports pole is a ski pole.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gurley (US Patent 4,750,760) in view of Lenhart (US Patent 6,139,060). Gurley discloses the hand grip as set forth above, but does not disclose said peripheral wall being curved upwardly and away from the user, as the hand grip is held during the sport activity. Lenhart discloses wherein the peripheral wall of the grip handle is curved upwardly and away from the user when held during the sport activity (See Fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to curve the grip handle upwardly and away from the user in Gurley in view of the teaching of Lenhart. The motivation for doing so would have been to provide a more ergonomically shaped handle grip for the user.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gurley (US Patent 4,750,760) in view of Cho (US Patent 6,305,051 B1).

Gurley discloses the ski pole as set forth above, but does not specifically disclose wherein said support for the thumb has a rounded convex upper surface so as to conform to a curvature of a surface of the thumb in engagement with said upper surface when a hand of the user is closed on said grip handle during use of the sports pole. Cho discloses wherein the support for the thumb has a rounded convex upper surface (See Fig. 6) so as to conform to a curvature of a surface of the thumb in engagement with said upper surface. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to made the upper surface of the thumb support disclosed in Gurley have a rounded convex shape as taught by Cho. The motivation for doing so would have

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been to configure the shape of the thumb support to approximately match the shape and inclination of the user's thumb position on the hand grip.

7. **Claims 13-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurley (US Patent 4,750,760) in view of Lenhart (US Patent 5,887,282).** Gurley discloses the ski pole as set forth above, but does not disclose a wrist strap, which includes an inner branch extending downwardly along the side wall of said grip handle, said wrist strap providing said support for the thumb. Lenhart discloses a wrist strap (See Fig. 4), which includes an inner branch extending downwardly along the side wall of said grip handle, said wrist strap providing said support for the thumb. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide a wrist strap to the hand grip disclosed in Gurley to provide support for the thumb as taught by Lenhart. The motivation for doing so would have been to allow the user to maintain connection with the ski pole, while not grasping the hand grip.

Regarding claim 14, Lenhart discloses wherein said wrist strap surrounds the thumb of the user, at least partially, in an area of a proximal phalanx of the thumb and/or of a joint connecting the proximal phalanx of the thumb and a metacarpus of the thumb (See Fig. 4).

Regarding claim 16, the combination of Lenhart with Gurley would maintain a connection between the hand of the user and said grip handle while allowing a rotation of said grip handle about an axis different from said longitudinal axis.

Regarding claim 18, Lenhart discloses wherein said strap is connected to said grip handle by means for a pivotal connection (43) for facilitating said mutual rotation between the hand of the user and said grip handle from a beginning of an impulse phase on the sports pole, whereby

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the hand of the user is closed on said grip handle, to an end of the impulse phase on the sports pole, whereby the hand of the user is not closed on said grip handle.

Allowable Subject Matter

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

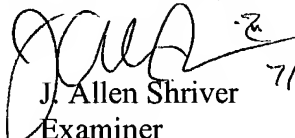
9. The prior art made of record in the accompanying PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J. Allen Shriver 7/20/01
Examiner
Art Unit 3618

JAS